IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 26714 of 2006(S)

PETITIONERS:

1. NALINI P.B., W/O. SIVA PRASAD,
AGED 28 YEARS, PARADISE,
MATTANCHERRY, KOCHI-682 002.

2. KAVITHA HARIKUMAR, W/O. HARIKUMAR P.,
HARI NIVAS, KARUVELIPADI, KOCHI-682 005.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY
SRI.A.MOHAMMED SAVAD
SRI.P.M.MANASH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

2. SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. DIRECTOR OF MUNICIPALITIES,
GOVERNMENT OF KERALA, SECRETARIAT,
TRIVANDRUM.

4. DIRECTOR OF HEALTH SERVICES,
GOVERNMENT OF KERALA, SECRETARIAT,
TRIVANDRUM.

5. DISTRICT COLLECTOR, ERNAKULAM.

6. DISTRICT MEDICAL OFFICER, ERNAKULAM.

7. CORPORATION OF KOCHI, REPRESENTED BY
ITS SECRETARY, CORPORATION OFFICE, ERNAKULAM.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,COCHIN COPN
SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C) NO. 26714 OF 2006 S

Dated this the 16th July, 2007

JUDGMENT

H.L.DATTU, C.J.

A public spirited citizen and a tax payer is before us for the following reliefs:

> "i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to take urgent and effective control measures to eradicate mosquitoes and mosquitoe larvae which is causing Chikungunya and Dengue fever etc. by the use of proper insecticides purchased from approved sources of manufactures under the Insecticides Act, 1968;
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> ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 1 to 6 to conduct an enquiry regarding misuse of public funds of various Municipalities and Corporations in the State towards purchase and use of Fenthion larvicide for mosquitoe control for the last 3 years and to take appropriate action against the erring officials for dereliction of duty;
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> iii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 7th respondent to start fogging operations, spraying of insecticides, garbage disposal etc. forthwith in the Kochi Corporation area to save the people from the grip of the epidemic disease by using proper insecticides purchased from Government approved sources only under the Insecticides Act, 1968;
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> iv) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 7th respondent to file a statement regarding the amount spent towards mosquito control

measures in the Kochi Corporation for the last 3 years including purchase of insecticides;

v) issue a writ or mandamus or any other appropriate writ, direction or order, directing the 7th respondent to file a report before this Hon'ble Court detailing the steps taken by the Kochi Corporation to eradicate mosquitoe ad mosquitoe larvae and the funds outlayed and spent for the same for the last 3 years towards purchase of insecticides and the source of purchase of the insecticides whether it is purchased from approved agencies of the Government of India under the Insecticides Act, 1968; and

vi) issue such other and further relief as this Hon'ble Court deems fit and proper to grant in the facts and circumstances of this case."

2. In the petition, it is stated that the Corporation has failed in its attempt to eradicate mosquitoes and mosquitoe larvae and because of that there is spread of epidemic disease in and around Kochi City and also other parts of the City.

3. A detailed counter affidavit is filed by the respondents. In that, they have stated the serious steps taken by them to eradicate mosquitoes and mosquitoe larvae. Along with the affidavit, they have also produced enough and more materials in support of the assertions made in the counter affidavit.

4. At the time of hearing of this Writ Petition, they have also produced the minutes of the Executive meetings held in the Collector's office on different dates, wherein steps taken by the Corporation authorities for eradication of the mosquitoes and

mosquitoe larvae have been monitored from time to time.

5. Having gone through the counter affidavit filed by the respondents and also the documents produced along with the affidavit, we are fully satisfied that the Corporation is taking some effective steps to eradicate the mosquitoes and mosquitoe larvae in and around the City of Kochi. In that view of the matter, in our opinion, for the present, we need not have to issue the directions sought for by the petitioners in this Writ Petition. Therefore, for the present, the Writ Petition is disposed of. Liberty is given to the petitioners to approach this Court, if need arises in future.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/